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Amendment and/or Response
Reply to Final Office Action of April 7, 2003

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REMARKS/DISCUSSION OF ISSUES

Request For Examination on the Merits

The Office Action indicates that claims 10-13 are presently pending in the instant application. However, Applicants had previously submitted a Supplemental Preliminary Amendment on January 24, 2003.

Applicants submit herewith a copy of the Supplemental Preliminary Amendment, which includes a certificate of fax transmission; a copy of the transmission verification; and a copy of the Auto-Reply Facsimile Transmission; all dated January 24, 2003. This amendment included the submission of new claims 14-20.

Request is respectfully made for entry of this amendment and examination on the merits of these claims.

Pending Claims

Upon entry of the amendment dated January 24, 2003, claims 10-20 are pending in the present application.

Rejection Under 35 USC § 112 ¶ 2

The Office Action state that "In claim X the phrase 'predetermined ZZZZ' renders the claim indefinite..." Obviously, the Office Action has not clearly articulated a rejection and therefore does not meet the requirements set forth in MPEP § 706. As such, it is respectfully submitted that this rejection is not proper and should be withdrawn.

Rejection Under 35 USC § 103(a)

The Office Action rejects claims 10-13 under 35 USC § 103(a) as being unpatentable over Wang, et al. (U.S. Patent

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5,604,155) in view of *Soichi, et al.* For at least the reasons set forth below, claims 10-13 are allowable over the applied art.

The establishment of a *prima facie* case of obviousness required that all of the elements of a claim be found in the prior art. It follows that if a single element of a claim is missing from the prior art, a *prima facie* case of obviousness cannot be properly established. Moreover, obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is a teaching, suggestion or motivation to do so found in the references relied upon.

First, it is noted that claims 10-13 each feature a *method of forming a wiring film*. Contrastingly, the reference to *Wang, et al.* is drawn to the formation of a *conductive plug* in the metal I layer. (Kindly refer to column 3, lines 53-55 for support for this assertion.)

In addition to at least this distinction, Applicants note that the reference to *Wang, et al.* also lacks the patterning of the Al layer featured in claim 12. To this end, Applicants notes that the teaching at column 2, lines 52-55 of *Wang, et al.* is drawn to the formation of vias in the inter-metal dielectric layer. As such, there is a patterning of this dielectric layer but not of the featured Al layer of claim 12. Moreover, the reference to *Wang, et al.* does not include a disclosure of forming the wiring pattern, but rather of the forming of conductive plugs (e.g., as shown in Fig. 4 of *Wang, et al.*).

For at least the reasons set forth above, and while in no way conceding as to the propriety of the combination of *Wang, et al.* and *Soichi, et al.*, it is respectfully submitted that

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claims 10-13 are allowable over the applied art. Moreover, for at least the reasons set forth in the Supplemental Preliminary Amendment, claim 14-20 are also allowable over the applied art.

In view of the foregoing, applicant(s) respectfully request(s) that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance.

If any points remain in issue, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, so that late fees may be avoided.

Petition is hereby made for a one-month extension of time under 37 CFR § 1.136(a) extending the period of response from July 8, 2003 to August 8, 2003. Permission is hereby given to charge Deposit Account Number 50-0238 for the fee required for this extension under 37 C.F.R. §1.17. If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies to charge payment or credit any overpayment to Deposit Account Number 50-0238 for any additional fees under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

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Enclosures:

1. Copy of Preliminary Amendment w/ certificate of fax transmission
2. Copy of the Auto-Reply Facsimile Transmission
3. Copy of the transmission verification report

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